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VS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,139	05/06/2005	Henrik Borjesson	9342-45	8489

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EXAMINER	
TORRES, MARCOS L	
ART UNIT	**PAPER NUMBER**
2617	

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01/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,139	BORJESSON, HENRIK	
	Examiner	Art Unit	
	Marcos L. Torres	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-21 and 23-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-21 and 23-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Arguments

2. Applicant's arguments filed 10-30-07 have been fully considered but they are not persuasive.

3. Regarding applicant argument that Dussell does not disclose or suggest modifying the capability to make the alert conditional on satisfying a time condition, such as a date on calendar; Dussell discloses: "The present invention provides a means by which tasks can be **scheduled and**/or **prioritized** based on location" and scheduling according to Dussell is "prioritizing tasks to be accomplish based ... including due dates" (see col. 7, lines 13-31), and according to the Princeton dictionary scheduling is setting an order and time for planned events. Thereby, Dussell disclose both scheduling with includes time and prioritize.

4. The rest of the argument they fall for the same reasons as shown above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7, 12-17, 25-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Dussell US005938721.

As to claim 1, Dussell discloses a device for generating an alert signal (see col. 2, lines 5-7) comprising: positioning means for updating and storing an actual position of the device (see col. 3, lines 26-39; col. 9, lines 16-29), location storage means for storing the location of a place of interest (see col. 9, lines 30-49); means for storing a request for an alert signal associated with the location of a place of interest; and trigger means for comparing the actual position of the device with the location of the place of interest and triggering generation of said alert signal when the distance between the actual position of the device and the location of a the place of interest is less than a predetermined value (r); calendar means for storing calendar entries; clock means for keeping track of the actual time; and second trigger means for comparing the actual time with a calendar entry and triggering generation of said alert signal when the actual time matches the calendar entry, but only when the distance between the actual position of the device and the location of a the place of interest is less than the predetermined value (r) (see col. 7, lines 13-41; col. 8, line 45 – col. 9, line 15).

As to claim 2, Dussell discloses a device wherein the predetermined value (r) is variable, and may be set individually for each request for an alert signal (see col. 8, line 45 – col. 9, line 2, 38-49).

As to claim 3, Dussell discloses a device wherein the location storage means includes comprises a personal map program (see col. 9, lines 3-49).

As to claim 4, Dussell discloses a device wherein the location storage means includes comprises a browser for finding locations on a telecommunications network (see col. 7, line 42 – col. 8, line 11).

As to claim 7, Dussell discloses a device wherein the positioning means further is arranged configured to update the actual position of the device at regular time intervals (see col. 8, lines 45-50).

As to claim 12, Dussell discloses a device wherein the positioning means comprises a GPS receiver (see col. 3, lines 35-39).

As to claim 13, Dussell discloses a device wherein the device is a positioning device or an electronic organizer (see col. 3, lines 32-36).

Regarding claims 14-17, 25 and 28, they are the corresponding method claim of device claim 1-4 and 12-13. Therefore, claims 14-17, 25 and 28 are rejected for the same reasons as shown above.

As to claim 26, Dussell discloses a method wherein storing the actual position of the device comprises receiving position information from a mobile telecommunication network (see col. 7, lines 42-55).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dussell in view of Zellner US006799049B1.

As to claim 5, Dussell discloses everything as explained above (see claim 4) except for a WAP browser for finding locations. In an analogous art, Zellner discloses a WAP browser for finding locations (see col. 4, lines 10-17). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use the WAP protocol for compatibility with a common and well-known protocol for mobile devices.

Regarding claim 18 is the corresponding method claim of device claim 5. Therefore, claim 18 is rejected for the same reasons as shown above.

10. Claims 6 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dussell in view of Shinozaki US006785552B2.

As to claim 6, Dussell discloses a device wherein the positioning means further is arranged configured to update the actual position of the device every time to have the current location which would include when the device changes base station (see col. 8, lines 45-50). In an analogous art, Shinozaki discloses updating the actual position of the

device every time the device changes base station (see col. 1, lines 44-48). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to update the position when changing base station because changing base station is a indication of moving from the range of the current base station to the range of the new base station.

Regarding claims 19-21, they are the corresponding method claim of device claim 6. Therefore, claims 19-21 are rejected for the same reasons as shown above.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dussell in view of Ishikawa US005598166.

As to claim 8, Dussell discloses everything as explained above (see claim 1) except for a device wherein the positioning means further is arranged configured to update the actual position of the device in dependence of the speed of the device. In an analogous art, Ishikawa discloses a device wherein the positioning means further is arranged configured to update the actual position of the device in dependence of the speed of the device (see col. 2, lines 16-37). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to update the position proportional with the speed of the device, since lack of speed would indicate no movement and updating would be unnecessary.

12. Claims 10-11 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dussell in view of Vossler US006317593B1.

As to claim 10 and 11, Dussell discloses that his device includes a scheduling and calendar programs that are well known in the art (see col. 7, lines 32; col. 9, lines

10-16). Altrough is well known that scheduling and calendaring program device wherein the calendar entry matches the actual time once or recurring Dussell does not enter in such simplistic and obvious detail of those types of programs. In an analogous art, Vossler discloses a device wherein the calendar entry matches the actual time repeatedly for a specified time unit or just one time (see col. 5, line 48 – col. 6, lines 11). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use a calendaring and scheduling program for scheduling recurring or not recurring events.

Regarding claims 23-24, they are the corresponding method claim of device claims 10-11. Therefore, claims 23-24 are rejected for the same reasons as shown above.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dussell inview of Pihl US006950663B2.

As to claim 27, Dussell discloses everything as explained above (see claim 26) except for a method wherein the mobile telecommunication network uses EOTD (Enhanced Observed Time Difference) or OTDOA (Observed Time Difference On Arrival). In an analogous art, Pihl discloses a method wherein the mobile telecommunication network uses EOTD (Enhanced Observed Time Difference; see col. 1, lines 14-40) or OTDOA (Observed Time Difference On Arrival; see col. 3, lines 29-35). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to make a design choice between the common and well known positioning function available and be compatible with existing standard such as GSM.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be mailed to:

U.S. Patent and Trademark Office
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
Art Unit 2617

mlt

GEORGE ENG
SUPERVISORY PATENT EXAMINER